

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

**DIRECT DEVELOPMENT, INC., et al.,
Plaintiffs,**

v.

Case No. 09-C-1065

**AT WORLD PROPERTIES, LLC, et al.,
Defendants.**

ORDER

Plaintiff Direct Development, Inc. (and certain affiliated entities) filed suit in Brown County Circuit Court against defendant At World Properties, LLC ("@properties") and certain individuals. On November 12, 2009, defendants @properties and Michael Golden removed the action to this court, alleging that jurisdiction is proper under 28 U.S.C. § 1332 because the parties are diverse and the amount in controversy exceeds \$75,000. On December 11, 2009, I issued an order to show cause why this action should not be remanded to state court for lack of subject matter jurisdiction, noting that defendants had failed to properly allege the citizenship of certain parties in their notice of removal. Defendants responded by correcting their defective allegations. Plaintiffs replied to defendants' response to the show-cause order, denied some of the amended jurisdictional allegations, and affirmatively alleged different jurisdictional facts.

Assuming defendants' amended jurisdictional allegations are true, the parties are diverse and the amount in controversy exceeds \$75,000. However, under the jurisdictional facts as alleged by plaintiffs, it is not clear that the parties are diverse. Under plaintiffs' version of the facts, all of the defendants are Illinois citizens and plaintiff Direct

Development, Inc. is a citizen of Wisconsin. However, plaintiff Direct Harbor Place, LLC is a limited liability company having five members. Plaintiffs allege that four of the five members are not citizens of Illinois. Plaintiffs allege that the fifth member of the limited liability company is ME Real Estate Holdings, and that this company's "sole owner" is a Wisconsin citizen. This allegation is ambiguous because plaintiffs do not allege how ME Real Estate Holdings is organized. Is it a sole proprietorship, a limited liability company, or a corporation? If it is one of the first two, then its citizenship is the same as that of its owner, and the parties would be diverse under both plaintiffs' and defendants' versions of the facts. However, if it is a corporation, the citizenship of its owner is irrelevant, and I would need to know the state in which it is incorporated and its principal place of business. Therefore, plaintiffs are hereby ordered to clearly identify, within ten days of the date of this order, the manner in which ME Real Estate Holdings is organized.

SO ORDERED at Milwaukee, Wisconsin, this 29 day of March, 2010.

/s _____
LYNN ADELMAN
District Judge